BEFORE THE PERSONNEL APPEALS BOARD STATE OF WASHINGTON

JOANNE PORTER-PICKLES,)
Appellant,) Case No. ALLO-98-0021
v. DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE ORDER OF THE DIRECTOR

Hearing on Exceptions. Pursuant to RCW 41.64.060 and WAC 358-01-040, this appeal came on for hearing before the Personnel Appeals Board, NATHAN S. FORD JR., Member, on Appellant's exceptions to the Director's determination dated October 13, 1998. The hearing was held on August 4, 1999, in the Personnel Appeals Board Hearing Room in Olympia, Washington. WALTER T. HUBBARD, Chair, and GERALD L. MORGEN, Vice Chair, reviewed the record, including the file, exhibits, and the entire taped proceedings, and participated in the decision in this matter.

Appearances. Appellant Joanne Porter-Pickles did not appear nor did a representative appear on her behalf. Respondent Department of Social and Health Services was represented by Jesse Powell, Classification and Pay Manager.

Background and Discussion. On November 10, 1998, Appellant appealed the October 13, 1998, decision of the Director of the Department of Personnel regarding the allocation of her position.

Personnel Appeals Board 2828 Capitol Boulevard Olympia, Washington 98504

By notice dated April 14, 1999, Appellant was provided notice of the June 22, 1999, hearing of this appeal. By letter dated June 13, 1999, Appellant requested a continuance of the hearing on her appeal, stating that she and her attorney had personal scheduling conflicts and asking that the hearing be continued to August or September. By order dated June 18, 1999, the Board granted Appellant's request and the hearing was rescheduled to August 4, 1999.

By notice of rescheduling dated June 21, 1999, Appellant was provided notice of the August 4, 1999, hearing.

No attorney submitted a notice of appearance on Appellant's behalf and Appellant did not appear at the August 4, 1999, hearing. The Board convened the hearing at the scheduled time, then recessed for fifteen minutes to allow Appellant opportunity to appear. Appellant did not appear. Following the fifteen minute recess, the hearing was reconvened and Respondent moved to dismiss the appeal.

The presiding Board member took Respondent's motion under advisement until a majority of the Board could review the record.

After the hearing on this appeal was adjourned, a letter from Appellant was received at the Board office, requesting a continuance "in order that my attorney be present." WAC 358-30-040 requires that motions for continuances be filed five days prior to the scheduled date. An exception can be made only where the reason for the continuance could not reasonably have been foreseen. Appellant failed to submit a request for continuance in accordance with WAC 358-30-040 and has failed to show that the reason for the continuance could not have been reasonably foreseen.

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2	2 Appellant failed to appear at the hearing and failed to pr	ovide any argument to the Board on her	
3	appeal. WAC 358-30-170 provides that in hearings on allocation appeals, appellants have the		
4	burden of proof. Appellant failed to met her burden of proof and the appeal should be dismissed.		
5	Respondent's motion should be granted.		
6	6		
7	ORDER		
8	NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Joanne Porter-Pickles is		
9	9 dismissed.		
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11	DATED this day of	, 1999.	
12	12		
13	13 WASHINGTON STA	ATE PERSONNEL APPEALS BOARD	
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15	Walter T. Hubbard, C	Chair	
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17	17 Gerald L. Morgen, V	ice Chair	
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19	Nathan S. Ford Jr., M	lambar	
20	20 Nathan S. Pold Jr., W	lember	
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